

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re:

Michelle S. Buechel,
Debtor.

Case No. 23-25598-rmb

MOTION TO REOPEN BANKRUPTCY CASE

Debtor, Michelle S. Buechel, by her attorneys, Krekeler Law, S.C., hereby moves the Court for an Order reopening the Debtor's Chapter 7 case pursuant to 11 U.S.C. § 350(b) of the Bankruptcy Code, and Rules 5010 and 4007 of the Federal Rules of Bankruptcy Procedure, to seek:

1. Declaratory relief that the Department of Education student loans ("Debts") identified on Debtor's Schedule F are dischargeable upon a showing of undue hardship under 11 U.S.C. § 523(a)(8);
2. Other just relief that this Court deems proper.

In support of this motion, Debtor states the following:

1. The amount of time that has elapsed since the case's closure does not prejudice the nonmovant(s), and the burden of demonstrating prejudice is on the nonmovant(s).
2. The relief sought by the Debtor requires a judicial determination through the adversarial process within a bankruptcy case.
3. The Debtor's present and future circumstances may be sufficient for a finding of undue hardship.
4. The question of whether undue hardship has been demonstrated to effectuate the discharge of a student loan debt is exclusively within the purview of this Court.

WHEREFORE, the Debtor respectfully requests that the Court reopen this case so that the Debtor may file an adversary proceeding seeking declaratory relief regarding the dischargeability of the Debtor's student loans, and for such other and further relief as the Court deems just and equitable.

Dated: March 14, 2024.

KREKELER LAW, S.C.

By:

A handwritten signature in black ink, appearing to read 'Noe J. Rincon', written over a horizontal line.

Noe J. Rincon

State Bar No. 1124893

Attorneys for the Debtor,

Michelle S. Buechel

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re:

Michelle S. Buechel,

Case No. 23-25598-rmb

Debtor.

NOTICE OF DEBTOR'S MOTION TO REOPEN BANKRUPTCY CASE

PLEASE TAKE NOTICE that the above-named Debtor, Michelle S. Buechel, by her attorneys, Krekeler Law, S.C., has filed papers with the Court requesting that the Court issue an Order to Reopen Debtor's Bankruptcy Case.

You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to eliminate or change your claims, then on or before **14 days** from the date of this notice, you or your attorney must:

File with the Court a written objection and request for hearing, explaining your objection to Debtors' Motion at:

United States Bankruptcy Court
517 East Wisconsin Avenue, Room 126
Milwaukee, WI 53202

If you mail your objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Noe J. Rincon
Krekeler Law, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711

Office of the United States Trustee
517 East Wisconsin Avenue, Room 430
Milwaukee, WI 53202

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Debtors' Motion to Reopen Bankruptcy Case and therefore, the Court may enter an order reopening the Debtor's bankruptcy case.

Dated March 14, 2023.

KREKELER LAW, S.C.

By:

A handwritten signature in black ink, appearing to read 'Noe J. Rincon', written over a horizontal line.

Noe J. Rincon
State Bar No. 1124893
Attorneys for Debtor
Michelle S. Buechel

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re:

Michelle S. Buechel,

Debtor.

Case No. 23-25598-rmb

AFFIDAVIT OF MAILING


STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

The undersigned, being first duly sworn on oath, deposes and says that on March 14, 2024, the Debtors' Notice of Motion and Motion to Reopen Bankruptcy Case, and proposed Order was electronically filed with the Clerk of Court and served upon the following parties using the ECF system:

Office of the U.S. Trustee
517 East Wisconsin Avenue, Room 430
Milwaukee, WI 53202

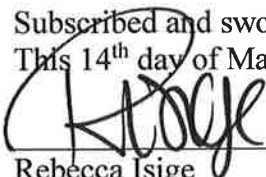
The undersigned, being first duly sworn on oath, deposes and says that on March 14, 2024, the undersigned mailed, properly enclosed in a postpaid envelope, a copy of Debtor's Notice of Motion and Motion to Reopen Bankruptcy Case, and proposed Order to all on attached list and to:

Michelle S. Buechel
N324 Eastowne Court
Appleton, WI 54915



Amy Pogar

Subscribed and sworn to before me
This 14th day of March 2024.



Rebecca Isige
Notary Public, State of Wisconsin
My commission expires: 8/30/2025